

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JERARDO BARBOSA-MARTINEZ
aka Rogelio Garcia-Martinez

Petitioner,
VS.

N. VASQUEZ,

Respondent.

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CIVIL ACTION NO. 2:15-CV-372

OPINION AND ORDER OF TRANSFER


Petitioner, incarcerated at the Three Rivers Correctional facility in Three Rivers, Texas, filed a petition pursuant to 28 U.S.C. § 2241, challenging the execution of his sentence imposed by United States District Judge Andrew Hanen in the Brownsville Division of the Southern District of Texas (D.E. 1). Petitioner alleges that Judge Hanen imposed a concurrent sentence, but the Bureau of Prisons is requiring that he serve a consecutive sentence (*Id.*).

A Section 2241 petition must be filed in the district of incarceration. *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004). Here, the Petitioner was convicted in the Brownsville Division of the Southern District of Texas and he is incarcerated in the Corpus Christi Division of the Southern District of Texas. Both courts have jurisdiction over this matter. For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). The interests of justice would be served by

a transfer to the Brownsville Division, where the sentencing judge, the prosecutor, the defense lawyer and the records of Petitioner's conviction are found.

Accordingly, the Clerk shall transfer this case to the Brownsville Division of the Southern District of Texas.

ORDERED this 30th day of September, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE